

IN THE SENATE

SENATE BILL NO. 1380

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC HOUSING PROTECTION ACT; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE TERMINATION OF TENANCY, TO PROVIDE FOR NOTICE AND FOR PROCEDURE, TO PROVIDE FOR JURISDICTION AND TO PROVIDE FOR THE ADOPTION OF LOCAL REGULATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 12, Title 55, Idaho Code, and to read as follows:

CHAPTER 12

PUBLIC HOUSING PROTECTION ACT

55-1201. SHORT TITLE. This chapter shall be known and cited as the "Public Housing Protection Act."

55-1202. DEFINITIONS. As used in this chapter:

(a) "Family member" means a spouse, parent, brother or sister, or child of that person, an individual whom that person stands in loco parentis, or any other person living in the household of that person who is related by blood or marriage, whether or not that person is specified in the public housing lease agreement.

(b) "Guest" means a person, or group of people, invited or allowed to visit the public housing premises by the tenant or a family member, whether or not the tenant is present.

(c) "Public housing" means any public housing agency, public housing authority, nonprofit or for-profit organization, including landlords, which use or accept federal or state funds, including federal loans, for the purpose of providing free, reduced or subsidized housing to low-income individuals or families.

(d) "Tenant" means any individual, family or group of individuals who enter into an agreement to lease public housing as a place of residence.

55-1203. TERMINATION OF TENANCY. (1) A public housing provider may evict a tenant when a tenant, family member, guest or any other person under the control of the tenant acts or engages in any manner which disturbs other tenants or persons residing in the immediate vicinity their right to peacefully enjoy their accommodations or whose actions are counter to the public housing provider's requirement to maintain the public housing premises in a decent, safe and sanitary condition. There is material breach and cause for termination of the lease agreement when the public housing provider shows, by a preponderance of the evidence, that:

1 (a) The tenant, family member, guest or any person under the control
 2 of the tenant engages in any activity, on or off the public housing
 3 premises, that intimidates or seriously threatens:
 4 (i) The health, safety or right of other tenants to peaceful
 5 enjoyment of the property; or
 6 (ii) The public housing staff or other persons lawfully accessing
 7 the public housing premises;
 8 (b) The tenant, a family member, guest or any person under the control
 9 of the tenant engages in any drug related criminal activity, whether
 10 misdemeanor or felony in nature, on or off the public housing premises;
 11 (c) The tenant, family member, guest or any person under the control of
 12 the tenant commits any of the following acts on or off the public housing
 13 premises:
 14 (i) Illegal possession or discharge of a firearm;
 15 (ii) Murder, as defined by section 18-4001, Idaho Code;
 16 (iii) Arrest for criminal gang activity pursuant to chapter 85,
 17 title 18, Idaho Code;
 18 (iv) Malicious destruction of property, including graffiti; or
 19 (v) A sex offense as provided for in chapter 66, title 18, Idaho
 20 Code;
 21 (d) The tenant knowingly provides false statements about any of the
 22 following on an application for public housing, the lease agreement or
 23 during the term of tenancy:
 24 (i) The number of occupants living in a dwelling unit;
 25 (ii) Tenant and household income;
 26 (iii) Social security or personal identification numbers;
 27 (iv) Prior evictions from public housing; or
 28 (v) Current employment; or
 29 (e) The tenant, family member, guest or any person under the control of
 30 the tenant repeatedly violates a material term of the lease agreement.
 31 (2) Termination of tenancy under this chapter is not curable.
 32 (3) The tenant cannot use an affirmative defense or be excused from
 33 contractual responsibilities, by arguing that the tenant did not know, could
 34 not foresee or could not control the behavior of a family member, guest or
 35 person under the control of the tenant.

36 55-1204. NOTICE AND PROCEDURE. (1) The public housing provider may
 37 evict a tenant under the provisions of this chapter within thirty (30) days
 38 of written notification.

39 (2) This chapter shall be the sole mechanism for the "for cause"
 40 eviction from public housing.

41 (3) Nonpayment of rent is subject to the requirements of chapter 3,
 42 title 6, Idaho Code.

43 (4) All services and notices under this chapter must be done in
 44 accordance with section 6-304, Idaho Code.

45 55-1205. JURISDICTION. The district court of the county in which the
 46 public housing property, or some part of it, is situated has jurisdiction of
 47 proceedings under this chapter. The court shall schedule a trial within one

1 hundred (100) days from the filing of the complaint and the service of the
2 summons.

3 55-1206. ADOPTION OF LOCAL REGULATIONS. This chapter does not prevent
4 any county, city or other political subdivision from adopting and enforcing
5 ordinances or resolutions consistent with the chapter relating to public
6 housing.